

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

STEPHEN DEWAYNE GRAY)	
)	
Petitioner,)	
)	
v.)	Case No. 5:22-cv-1048-ACA-GMB
)	
ROLANDA CALLOWAY, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION


On February 28, 2023, the magistrate judge entered a report recommending that the court deny Petitioner Stephen Dewayne Gray's 28 U.S.C. § 2254 petition for writ of habeas corpus. (Doc. 22). The magistrate judge notified Mr. Gray of his right to file objections within fourteen days. (*Id.* at 13–14). Mr. Gray filed, and the court granted, two motions for an extension of time to file objections. (Docs. 23–26). Mr. Gray did not file any objections by the extended deadline.

A party's failure to file specific objections waives any challenge to the proposed findings and recommendations. *See* 28 U.S.C. § 636(b)(1); 11th Cir. R. 3-1. After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** the recommendation. Consistent with that recommendation, the court **WILL DENY** Mr. Gray's § 2254 petition.

Rule 11 of the Rules Governing § 2254 Petitions requires the court to issue or deny a certificate of appealability when the court enters an order adverse to the petitioner. Rule 11(a), Rules Governing § 2254 Cases in the United States District Courts. This court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To make such a showing, a “petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further,” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (quotation marks omitted). The court finds that Mr. Gray has not satisfied either standard. Accordingly, the court **WILL DENY** a certificate of appealability.

The court will enter a separate final order consistent with this opinion.

DONE and **ORDERED** this April 19, 2023.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE